

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:	§	CASE NO. 12-50249 K
JAMES EDWARD MONTOYA AND	§	
BONNIE SILVA MONTOYA	§	
DEBTORS	§	CHAPTER 13

**AMENDED MOTION TO MODIFY CHAPTER 13 PLAN
AND FIRST REQUEST FOR ATTORNEY'S FEES**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO
YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21)
DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED
HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE
HELD.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Debtors, and files this *Amended Motion to Modify Chapter 13 Plan and First Request for Attorney's Fees*, and as grounds therefore would show as follows:

I.

Debtors filed a Voluntary Petition for Relief under 11 U.S.C. Chapter 13 on January 27, 2012.

II.

The I.R.S. has filed a proof of claim in the amount of \$742.21 as a secured amount, \$9,595.90 as a priority amount, and \$13,357.65 as an unsecured amount. Debtors propose to pay the secured amount at 3% interest, and no interest on the priority and unsecured amounts. Debtors' plan payment needs to be increased to \$1,719.00 per month to pay out at 100%.

III.

Debtors respectfully request a modification of their Chapter 13 Plan to include the I.R.S. claim.

IV.

This is the first request for post-confirmation supplemental fees in this case. Attorney fees in the amount of \$400.00 for services rendered in preparing this *Motion to Modify Chapter 13 Plan and First Request for Attorney's Fees* should be paid to L. David Levinson, 12451 Starcrest Drive, Suite 205, San Antonio, Texas 78216. This amount should be incorporated into the Chapter 13 Plan in this matter and paid from the monthly plan payments through the Chapter 13 Trustee.

V.

The relief requested by the Debtors will not do an undue hardship on any creditor and will be in the best interest of Debtors.

WHEREFORE, Debtors pray that Debtors Chapter 13 Plan be modified to include the I.R.S. claim and be included into the Plan and that post-confirmation supplemental attorney fees of \$400.00 should be paid to Debtors' attorney, and for such other and further relief in law and equity as is just.

Respectfully submitted,

/s/ L. David Levinson

L. DAVID LEVINSON
State Bar No. 12258400
12451 Starcrest Drive, Suite 205
San Antonio, TX 78216
(210) 829-5033
(210) 820-3104 FAX

ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Amended Motion to Modify Chapter 13 Plan and First Request for Attorneys Fees* has been served according to law on this the 13th day of September, 2012, to the following parties:

Mary K. Viegelahn, Trustee
909 N.E. Loop 410, Suite 400
San Antonio, TX 78209

Ace Cash Express
1231 Greenway Drive
Suite 700

Irving, TX 75038

Ace Cash Express
9910 San Pedro Ave.
San Antonio, TX 78216

American Express

American Express Special Research
PO Box 981540
El Paso, TX 79998

American Express
P.O. Box 26312
Lehigh Valley, PA 18002-6312

Americredit
Po Box 181145
Arlington, TX 76096

Americredit Financial Services, dba GM F
P.O. Box 183853
Arlington, TX 76096

Attorney General of the U.S.
Main Justice Bldg, Rm 5111
10th & Constitution Ave., N.W.
Washington, DC 20530

BAC Home Loans Servicing, LP
ATTN: Home Retention Division
4500 Amon Carter Blvd.
Fort Worth, TX 76155

Bank of America
P.O. Box 25118
Tampa, FL 33622-5118

Bank Of America, N.a.
450 American St
Simi Valley, CA 93065

Baptist Health System
P.O. Box 830913
Birmingham, AL 35283-0913

Barrett Burke Wilson Castle
15000 Surveyor Blvd.
Suite 100
Addison, TX 75001

Bus & Prof Svc
621 N Alamo St
San Antonio, TX 78215

Cach Llc/Square Two Financial

4340 South Monaco St. 2nd Floor
Denver, CO 80237

Chase
Po Box 15298
Wilmington, DE 19850

Chela/Sallie Mae
Attn: Claims Department
PO Box 9500
Wilkes-Barre, PA 18773

Cottonwood Financial Ltd.
C/O Bennett Law
10542 South Jordan Gateway
Suite 200
South Jordan, UT 84095

Crd Prt Asso
Attn: Bankruptcy
PO Box 802068
Dallas, TX 75380

Credit Systems Intl In
1277 Country Club Ln
Fort Worth, TX 76112

Equable Ascent Financial LLC
C/O Rausch, Sturm, Isreal, Enerson
15851 North Dallas Parkway
Suite 245
Addison, TX 75001

Financial Control Svc
6801 Sanger Ave Ste 195
Waco, TX 76710

First Premier Bank
3820 N Louise Ave
Sioux Falls, SD 57107

First Premier Bank
P.O. Box 5519
Sioux Falls, SD 57117-5519

First Premier Bank
P.O. Box 5529
Sioux Falls, SD 57117-5529

Hilco Receivables/Equable Ascent Financi
Attn: Bankruptcy
1120 Lake Cook Road Suite B
Buffalo Grove, IL 60089

I C System
Attn: Bankruptcy
PO Box 64378
Saint Paul, MN 55164

I.R.S.
P.O. Box 21126
Philadelphia, PA 19114-0326

IPC of Texas
P.O. Box 92729
Los Angeles, CA 90009

Linebarger Goggan Blair & Sampson
711 Navarro
Suite 300
San Antonio, TX 78205

NCO/Collectron Of Atlanta/Carter-Young
Attention: Bankruptcy
PO Box 82269
Conyers, GA 30013

Northeast Baptist Hospital
P.O. Box 843810
Dallas, TX 75284-3810

Northstar Location Services
4285 Genesee Street
Cheektowaga, NY 14225-1943

Pinnacle Financial Gro
7825 Washington Ave S St
Minneapolis, MN 55439

Tnb-Visa (TV) / Target
C/O Financial & Retail Services
Mailstop BV P.O.Box 9475
Minneapolis, MN 55440

Transworld Systems Inc.
9525 Sweet Valley Drive
Valley View, OH 44125

Transworld Systems Inc.
P.O. Box 15520
Wilmington, DE 19850-5520

U.S. Attorney
601 N.W. Loop 410, #600
San Antonio, TX 78216

U.S. Trustee
615 E. Houston, #533
P.O. Box 1539
San Antonio, TX 78295-1539

Unvl/citi
Attn.: Centralized Bankruptcy
PO Box 20507
Kansas City, MO 64195

Usaa Savings Bank
Po Box 33009
San Antonio, TX 78265

Val Verde Regional Medical
C/O Doran, Gulley & Etzel
307 E. 10th Street
P.O. Box 420248
Del Rio, TX 78842-0248

Wfs Financial/Wachovia Dealer Services
PO Box 3569
Rancho Cucamonga, CA 91730

/s/ L. David Levinson

L. David Levinson